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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,412	10/31/2000	William G. Swinton	006783.P006	1400

7590 05/31/2005

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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,412

Applicant(s)

SWINTON ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

1. This is in response to amendment filed on 2/22/05.
2. As per claims 1 and 21, Applicant argues that Tullis fails to teach a camera device that does not store its own data. However, Tullis clearly teaches a memory that is in data transfer communication with the processor is also integrated into the hand-held digital camera. The camera memory is electronic memory, such as flash memory, that can be used to store frames of digital image data. The camera memory can be used to buffer digital image data before the digital image data is displayed and/or processed. The memory may have a capacity of, for example, 2 megabytes, allowing storage of dozens of pictures. In alternative embodiments, the built-in memory of the hand-held digital camera may be augmented by removable memory, or the camera may have removable memory completely substituted for built-in memory (See page 2, paragraph [0021]). Furthermore, Applicant argues that the combination of Tullis in view of Nakagiri fails to disclose "based on said determined communication information establishing a communication session between the device and the host device. However, Nakagiri clearly teaches wherein the proper print driver is uploaded based on the information provided by the host computer in order to establish a session with the host computer (See col. 4, lines 48-58 and col. 7, lines 6-17).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6, 9-11, 19-22, 26, 31, 37-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606,669 to Nakagiri and further in view of U.S. Patent No. 6,353,848 to Morris.

a. As per claims 1 and 21, Tullis et al teaches a method for providing a variety of disparate host devices access to digital images residing on a digital camera device, the method comprising: and through said photo-serving communication protocols, allowing the host device to access digital images residing on the digital camera device (See page 3, paragraph [0028])). However, Tullis et al fails to teach upon connection the digital camera device to a particular host device that is capable of hosting digital camera device automatically identifying the particular host device that the digital camera device is currently connected to including determining communication information allowing communication between the device and the host; based on said determined communication information, establishing a communication session between the digital camera device and the particular host device, said communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.

Nakagiri an information processing apparatus having automatic OS selecting function. Furthermore, Nakagiri teaches wherein the printer driver corresponding to the specification of the self machine is stored in the ROM is up-loaded to the host computer 3000 and is used. Preferably, various printer driver programs for various OSs which correspond to the specification of the self machine are stored and a proper printer driver program is enabled to be uploaded in accordance with the kind of OS that is notified from the host computer (See col. 4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Nakagiri into the claimed invention of Tullis in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri). However, Tullis in view of Nakagiri fails to teach a communication session supporting photo-serving communication protocols that present the digital camera device as a file server to the host device.

Morris a method and system allowing a client computer to access a portable digital image capture unit over a network. Furthermore, Morris teaches accessing a digital camera and its internally stored data remotely accessible. The digital camera to be set to continuously take pictures of scenes and items of interest and to allow a user to access those pictures at any time (See col. 23, lines 67 and col. 24, lines 1-9). (It is inherent that there is a communication protocol between the digital camera and the host device in order to communicate with each other).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Morris into the claimed invention of Tullis in view of Nakagiri in order and to implement remote accessibility via a communication network such as the Internet, thus allowing the user to access the digital camera from virtually an unlimited

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number of locations and with the camera in virtually any location (See col. 24, lines 1-9, Morris).

b. As per claim 2, Tullis et al in view of Nakagiri teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said connecting step includes: connecting the portable device to a particular host device over a wireless communication medium (See page 1, paragraph [0009]).

c. As per claim 3, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium.

Morris teaches wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium (See col. 7, lines 35-45).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium as taught by Morris in the claimed invention of Tullis et al in view of Nakagiri in order to make the digital camera accessible over a communication network such as the Internet or a Local Area Network (See col. 6, lines 58-62).

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d. As per claim 6, Tullis et al teaches wherein particular host device comprises a handheld computing device (See col. 5, lines 44-45)

e. As per claim 9, Tullis et al in view of Nakagiri teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said particular host device includes facilities for offloading digital images from said digital camera device (See page 3, paragraph [0029]).

f. As per claim 10, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said particular host device includes facilities for manipulating digital images, while those digital images reside on said digital camera device (See page 3, paragraph [0024]).

g. As per claim 11, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teaches wherein said identifying step occurs immediately upon connection of the digital camera to the particular host device.

Nakagiri teaches wherein said identifying step occurs immediately upon connection of the digital camera to the particular host device (See col. 4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said identifying step occurs immediately upon connection of the digital camera to the particular host device as taught by Nakagiri in the claimed invention of

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Tullis et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri) 1-3).

h. As per claims 19 and 39, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device.

Nakagiri providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device (See col. 4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device as taught by Nakagiri in the claimed invention of Tullis et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri).

i. As per claim 20 and 40, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein the appropriate driver is initially stored on said digital camera device and is injected into the particular host device upon connection of the two devices together.

Nakagiri teaches wherein the appropriate driver is initially stored on said peripheral device and is injected into the particular host device upon connection of the two devices together (See col. 4, lines 48-58)).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the appropriate driver is initially stored on said digital camera device and is injected into the particular host device upon connection of the two devices together as taught by Nakagiri in the claimed invention of Tullis et al in order in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri).

j. As per claim 22, Tullis et al in view of Nakagiri teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said connecting step includes: connecting the portable device to a particular host device over a wireless communication medium (See page 1, paragraph [0009]).

k. As per claim 26, Tullis et al teaches wherein particular host device comprises a handheld computing device (See col. 5, lines 44-45)

l. As per claim 31, Tullis et al in view of Nakagiri further in view of Ban et al teaches claimed invention as described above. However, Tullis et al fails to teach wherein said identifying step occurs immediately upon connection of the portable device to the particular host device.

Nakagiri teaches wherein said identifying step occurs immediately upon connection of the portable device to the particular host device (See col. 4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said identifying step occurs immediately

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upon connection of the portable device to the particular host device as taught by Nakagiri in the claimed invention of Tullis et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri) 1-3).

m. As per claim 37, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said photo-serving communication protocols comprise a photo-specific interface allowing the particular host device to directly access digital images on a per-file basis, while those images reside on the digital camera device (See page 4, paragraph [0036]).

n. As per claim 38, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. Furthermore, Tullis et al teaches wherein said photo-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of digital images residing on the digital camera device (See page 3, paragraph [0024]).

5. Claims 4, 12, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606, 669 to Nakagiri and further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 1 above, and further in view of 6,628,325 to Steinberg et al.

a. As per claim 4, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity.

Steinberg et al teaches wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity (See col. 2, lines 45-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity as taught by Steinberg et al in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

b. As per claim 12, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said identifying step includes: probing the particular host device in a query/response fashion, for identifying the particular host device.

Steinberg teaches wherein said identifying step includes: probing the particular host device in a query/response fashion, for identifying the particular host device (See col. 10, lines 62-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said identifying step includes: probing the particular host

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device in a query/response fashion, for identifying the particular host device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

c. As per claim 17, Tullis in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said photo-serving communication protocols comprise a photo-specific interface allowing the particular host device to directly access digital images on a per-file basis, while those images reside on the digital camera device.

Steinberg et al teaches wherein said photo-serving communication protocols comprise a photo-specific interface allowing the particular host device to directly access digital images on a per-file basis, while those images reside on the digital camera device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said photo-serving communication protocols comprise a photo-specific interface allowing the particular host device to directly access digital images on a per-file basis, while those images reside on the digital camera device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

d. As per claim 18, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said photo-

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serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of digital images residing on the digital camera device.

Steinberg et al teaches wherein said photo-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of digital images residing on the digital camera device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said photo-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of digital images residing on the digital camera device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

6. Claims 7-8, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of view of U.S. Patent No. 6,606, 669 to Nakagiri and further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 1 above, and further in view of U.S. Pub No. 2003/0142215 to Ward et al.

a. As per claim 7, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said particular host device comprises a cellular phone device.

Ward et al teaches a network configuration file for automatically transmitting images from and electronic still camera. Furthermore, Ward et al teaches teach wherein said particular host device comprises a cellular phone device (See paragraph [0014], lines 31-34 and figure 4).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate teach wherein said particular host device comprises a cellular phone device as taught by Ward et al in the claimed invention of Tullis et al in view of Nakagiri in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

b. As per claim 8, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said particular host device and said digital camera device support TCP/IP connectivity.

Ward et al teaches wherein said particular host device and said digital camera device support TCP/IP connectivity. (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device and said digital camera device support TCP/IP connectivity as taught by Ward et al in the claimed invention of Tullis et al in view of Nakagiri in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

c. As per claim 16, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said

communication session established between the digital camera device and the particular host device employs TCP/IP.

Ward et al teaches wherein said communication session established between the digital camera device and the particular host device employs TCP/IP (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said communication session established between the digital camera device and the particular host device employs TCP/IP as taught by Ward in the claimed invention of Tullis et al in view of Nakagiri in order to order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris and further in view of 6,628,325 to Steinberg et al as applied to claim 12 above, and further in view of U.S. No. 5,737,491 to Allen et al.

a. As per claim 13, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said probing step includes referencing a knowledgebase that stores expected responses, for identifying the particular host device.

Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches includes referencing a knowledgebase that stores expected responses, for identifying the particular host device (See col. 4, lines 55-59).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate includes referencing a knowledgebase that stores expected responses, for identifying the particular host device as taught by Allen et al in the claimed invention of Tullis et al in view of Nakagiri in order to in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

b. As per claim 14, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said expected responses comprise factory preset values.

Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches wherein said expected responses comprise factory preset values (See col. 2, lines 52-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said expected responses comprise factory preset values as taught by Allen et al in the claimed invention of Tullis et al in view of Nakagiri in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

c. As per claim 15, Tullis et al in view of Nakagiri teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri fails to teach wherein said knowledgebase is stored in a registry of the digital camera device.

Allen et al teaches wherein said knowledgebase is stored in a registry of the digital camera device (See col. 4, lines 14-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said knowledgebase is stored in a registry of the digital camera device as taught by Allen et al in the claimed invention of Steinberg et al in view of Nakagiri in order to in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

8. Claims 23-25, 29-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 21 above, and further in view of U.S. Patent No. 6,628,325 to Steinberg et al.

a. As per claim 23, Tullis et al in view of Nakagiri further in view of and further in view of Morris teaches the claimed invention as described above. However, Tullis et al teaches wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium.

Steinberg et al teaches wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium (See col. 2, lines 45-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said connecting step includes: connecting the digital camera device to a particular host device over a wireline communication medium as taught by Steinberg et al in the claimed invention of Tullis et al in view of Nakagiri in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

b. As per claim 24, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al teaches wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity (See col. 2, lines 45-46).

Steinberg et al teaches wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity (See col. 2, lines 45-46).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity as taught by Steinberg et al in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

c. As per claim 25, Tullis et al in view of Nakagiri and further in view of Morris s the claimed invention as described above. however, Tullis et al in view of Nakagiri further in view of Morris fails teach wherein particular host device comprises a computing device.

Steinberg et al teaches wherein particular host device comprises a computing device (See abstract, lines 19-23).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein particular host device comprise a computing device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

d. As per claim 29, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fail to teach wherein said particular host device includes facilities for offloading digital images from said digital camera device.

Steinberg et al teaches wherein said particular host device includes facilities for offloading digital images from said digital camera device (See col. 11, lines 1-7).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device includes facilities for offloading digital images from said digital camera device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

e. As per claim 30, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fail to teach wherein said particular host device includes facilities for manipulating digital images, while those files reside on said portable device (See col. 8, lines 41-47).

Steinberg et al teaches wherein said particular host device includes facilities for manipulating digital images, while those files reside on said portable device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device includes facilities for manipulating digital images, while those files reside on said portable device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

f. As per claim 32, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. However, Tullis et al fails to teach wherein said identifying step includes: probing the particular host device in a query/response fashion, for identifying the particular host device.

Steinberg teaches wherein said identifying step includes: probing the particular host device in a query/response fashion, for identifying the particular host device (See col. 10, lines 62-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said identifying step includes: probing the particular host device in a query/response fashion, for identifying the particular host device as taught by Steinberg in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transfer image data from the camera to the destination (See col. 10, lines 36-40).

9. Claim 27-28, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 21 above and further in view of U.S. Pub No. 2003/0142215 to Ward et al.

a. As per claim 27, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view Nakagiri and further in view of Morris fails to teach wherein said particular host device comprises a cellular phone device.

Ward et al teaches a network configuration file for automatically transmitting images from and electronic still camera. Furthermore, Ward et al teaches wherein said particular host device comprises a cellular phone device (See paragraph [0014], lines 31-34 and figure 4).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device comprises a cellular phone device as taught by Ward et al in the claimed invention of Tullis et al in view of Nakagiri and

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further in view of Morris in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

b. As per claim 28, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fails to teach wherein said particular host device and said digital camera device support TCP/IP connectivity.

Ward et al teaches wherein said particular host device and said digital camera device support TCP/IP connectivity. (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device and said digital camera device support TCP/IP connectivity as taught by Ward et al in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

c. As per claim 36, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fails to teach wherein said communication session established between the digital camera device and the particular host device employs TCP/IP.

Ward et al teaches wherein said communication session established between the digital camera device and the particular host device employs TCP/IP (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said communication session established between the digital camera device and the particular host device employs TCP/IP as taught by Ward in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

10. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0171737 to Tullis in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 21 above, and further in view of U.S. No. 5,737,491 to Allen et al.

a. As per claim 33, Tullis et al in view Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fails to teach wherein said probing step includes referencing a knowledgebase that stores expected responses, for identifying the particular host device.

Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches includes referencing a knowledgebase that stores expected responses, for identifying the particular host device (See col. 4, lines 55-59).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate includes referencing a knowledgebase that stores expected responses,

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for identifying the particular host device as taught by Allen et al in the claimed invention of Tullis et al in view of Nakagiri and further in view of Morris in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

b. As per claim 34, Tullis et al in view of Nakagiri and further in view of Morris teaches the claimed invention as described above. However, Steinberg et al in view of Morris fails to teach wherein said expected responses comprise factory preset values.

Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches wherein said expected responses comprise factory preset values (See col. 2, lines 52-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said expected responses comprise factory preset values as taught by Allen et al in the claimed invention of Tullis et al in view of Nakagiri further in view of Morris in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

c. As per claim 35, Tullis et al in view of Nakagiri further in view of Morris teaches the claimed invention as described above. However, Tullis et al in view of Nakagiri and further in view of Morris fails to teach wherein said knowledgebase is stored in a registry of the digital camera device.

Allen et al teaches wherein said knowledgebase is stored in a registry of the digital camera device (See col. 4, lines 14-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said knowledgebase is stored in a registry of the digital camera device as taught by Allen et al in the claimed invention of Tullis et al in view of Nakagiri further in view of Morris in order to in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60).

11. Claims 41, 43-45, 51, 59, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005,613 to Endsley et al in view of U.S. Patent No. 6,606,669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris.

a. As per claim 41, Endsley et al teaches a portable device allowing a variety of disparate host devices access to files residing on the portable device, upon the portable device's connection to one of the host devices, the portable device comprising: a connection interface for enabling the connection of the portable device to a particular host device that is capable of hosting the portable device (See abstract, lines 5-7); However, Endsley fails to teach a communication module for automatically identifying the particular host device that the portable device is connected to, including determining communication information allowing communication between the portable device and the particular host device, and a communication module for

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establishing a communication session between the portable device and the particular host device, wherein said communication session supports file-serving communication protocols that present the portable device as a file server to the host device.

Nakagiri teaches an information processing apparatus having automatic OS selecting function. Furthermore, Nakagiri teaches wherein the printer driver corresponding to the specification of the self machine is stored in the ROM is up-loaded to the host computer 3000 and is used. Preferably, various printer driver programs for various OSs which correspond to the specification of the self machine are stored and a proper printer driver program is enabled to be uploaded in accordance with the kind of OS that is notified from the host computer (See col. 4, lines 48-58). However, Endlsey in view of Nakagiri fails to teach a communication module for establishing a communication session between the portable device and the particular host device, wherein said communication session supports file-serving communication protocols that present the portable device as a file server to the host device

Morris a method and system allowing a client computer to access a portable digital image capture unit over a network. Furthermore, Morris teaches accessing a digital camera and its internally stored data remotely accessible. The digital camera to be set to continuously take pictures of scenes and items of interest and to allow a user to access those pictures at any time (See col. 23, lines 67 and col. 24, lines 1-9). (It is inherent that there is a communication protocol between the digital camera and the host device in order to communicate with each order).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Tullis, Nakagiri and Morris in order to prevent the use of

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the wrong device driver (See col. 2, lines 15-23, Nakagiri) and to implement remote accessibility via a communication network such as the Internet, thus allowing the user to access the digital camera from virtually an unlimited number of locations and with the camera in virtually any location (See col. 24, lines 1-9, Morris).

b. As per claim 43, Endsley et al teaches wherein said connection interface supports connecting the portable device to a particular host device over a wireline communication medium (See col. 4, lines 64-66)

c. As per claim 44, Endsley et al teaches wherein said wireline communication medium includes a selected one of serial (RS-232) and USB (Universal Serial Bus) connectivity (See col. 4, lines 64-66).

d. As per claim 45, Endsley et al teaches wherein said particular host device comprises a computing device (See abstract, lines 1-2)

e. As per claim 51, Endsley et al teaches claimed invention as described above. However, Endsley et al fails to teach wherein said identifying step occurs immediately upon connection of the portable device to the particular host device.

Nakagiri teaches wherein said identifying step occurs immediately upon connection of the portable device to the particular host device (See col. 4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said identifying step occurs immediately upon connection of the portable device to the particular host device as taught by Nakagiri in the claimed invention of Endsley et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri).

f. As per claim 59, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device.

Nakagiri teaches providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device (See col.4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate providing host-side support for the photo-serving communication protocols by injecting an appropriate driver into the particular host device as taught by Nakagiri in the claimed invention of Endsley et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri).

g. As per claim 62, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach an injection module for providing host-side support for said file-serving communication protocols if not already present, said driver

injection module operating by automatically uploading a driver from the portable device to the particular host device and thereafter invoking execution of the driver at the particular host device, so that the host device may access files residing on the portable device, as if the portable device were a file server.

Nakagiri teaches wherein a driver injection module for providing host-side support for said file-serving communication protocols if not already present, said driver injection module operating by automatically uploading a driver from the portable device to the particular host device and thereafter invoking execution of the driver at the particular host device, so that the host device may access files residing on the portable device, as if the portable device were a file server (See col.4, lines 48-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a driver injection module for providing host-side support for said file-serving communication protocols if not already present, said driver injection module operating by automatically uploading a driver from the portable device to the particular host device and thereafter invoking execution of the driver at the particular host device, so that the host device may access files residing on the portable device, as if the portable device were a file server as taught by Nakagiri in the claimed invention of Endsley et al in order to prevent the use of the wrong device driver (See col. 2, lines 15-23, Nakagiri)

12. Claims 42, 49-50, 52, 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005,613 to Endsley et al in view of U.S. Patent No. 6,606, 669 to

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Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 41 above, and further in view U.S. Patent No. 6,628,325 to Steinberg et al.

a. As per 42, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Ban et al fails to teach wherein said connection interface supports connecting the portable device to a particular host device over a wireless communication medium.

Steinberg et al teaches wherein said connection interface supports connecting the portable device to a particular host device over a wireless communication medium (See col. 4, lines 57-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said connection interface supports connecting the portable device to a particular host device over a wireless communication medium as taught by Steinberg et al in view of Nakagiri in order to permit a portable digital camera to send image data to a host (See col. 1, lines 44-45).

b. As per claim 49, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Ban et al fails to teach wherein said particular host device includes facilities for offloading files from said portable device.

Steinberg et al teaches wherein said particular host device includes facilities for offloading files from said portable device (See col. 11, lines 1-7).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device includes facilities for offloading files from said portable device as taught by Steinberg et al in the claimed invention of Endsley et al in view of Nakagiri in order to receive image data from a camera (See col. 2, lines 5-6).

c. As per claim 50, Endsley et al view of Ban et al teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach device of wherein said particular host device includes facilities for manipulating files, while those files reside on said portable device.

Steinberg et al teaches wherein said particular host device includes facilities for manipulating files, while those files reside on said portable device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device includes facilities for manipulating files, while those files reside on said portable device as taught by Steinberg et al in the claimed invention of Endsley et al in view of Nakagiri in order to be able to compress or expand files (See col. 8, lines 58-59).

d. As per 52, Endsley et al view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach wherein said identification module probes the particular host device in a query/response fashion, for identifying the particular host device.

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Steinberg et al teaches wherein said identification module probes the particular host device in a query/response fashion, for identifying the particular host device (See col. 10, lines 62-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein identification module probes the particular host device in a query/response fashion, for identifying the particular host device as taught by Steinberg et al in the claimed invention of Endsley et al in view of Nakagiri in order to determine the connection of the host device (See col. 10, line 63).

e. As per claim 57, Endsley et al view of Ban et al teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach wherein said file-serving communication protocols comprise a file-specific interface allowing the particular host device to directly access files, while those files reside on the portable device.

Steinberg et al teaches wherein said file-serving communication protocols comprise a file-specific interface allowing the particular host device to directly access files, while those files reside on the portable device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said file-serving communication protocols comprise a file-specific interface allowing the particular host device to directly access files, while those files reside on the portable device as taught by Steinberg et al in the claimed invention of Endsley et al in view of Nakagiri in order to compress and expand image data files (See col. 8, lines 58-59)

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f. As per claim 58, Endsley et al view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach wherein said file-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of files residing on the portable device.

Steinberg et al teaches wherein said file-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of files residing on the portable device (See col. 8, lines 41-47).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said file-serving communication protocols comprise a command set providing the particular host device with file-based access and manipulation of files residing on the portable device as taught by Steinberg et al in the claimed invention of Endsley et al in view of Nakagiri in order to compress and expand image data files (See col. 8, lines 58-59)

13. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005, 613 to Endsley in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 41 above, and further in view of U.S. No. 6,535,243 to Tullis et al.

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a. As per claim 46, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach wherein particular host device comprises a handheld computing device

Tullis et al teaches wherein particular host device comprises a handheld computing device (See col. 5, lines 44-45)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein particular host device comprises a handheld computing device as taught by Tullis et al in the claimed invention of Endsley et al in view of Nakagiri in order for the digital camera to access and store large volumes of data (See abstract, lines 1-5).

14. Claims 47-48, 56, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005, 613 to Endsley in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 41 above, further in view of U.S. Pub No. 2003/0142215 to Ward et al.

a. As per claim 47, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said particular host device comprises a cellular phone device.

Ward et al teaches a network configuration file for automatically transmitting images from and electronic still camera. Furthermore, Ward et al teaches wherein said particular host device comprises a cellular phone device (See paragraph [0014], lines 31-34 and figure 4).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate teach wherein said particular host device comprises a cellular phone device as taught by Ward et al in the claimed invention of Endsley et al in view of Nakagiri in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

b. As per claim 48, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said particular host device and said digital camera device support TCP/IP connectivity.

Ward et al teaches wherein said particular host device and said digital camera device support TCP/IP connectivity. (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said particular host device and said digital camera device support TCP/IP connectivity as taught by Ward et al in the claimed invention of Endsley et al in view of Nakagiri in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

c. As per claim 56, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al in view of Nakagiri fails to teach wherein said communication session established between the digital camera device and the particular host device employs TCP/IP.

Ward et al teaches wherein said communication session established between the digital camera device and the particular host device employs TCP/IP (See paragraph [0012], lines 17-19).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said communication session established between the digital camera device and the particular host device employs TCP/IP as taught by Ward in the claimed invention of Endsley et al in view of Nakagiri in order to order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

d. As per claim 61, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said file-serving communication protocols include FTP (File Transport Protocol) support.

Ward et al teaches wherein said file-serving communication protocols include FTP (File Transport Protocol) support (See paragraph [0018]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said file-serving communication protocols include FTP (File Transport Protocol) support as taught by Ward et al in the claimed invention of Endsley et al in view of Nakagiri in order to transmit the pictures directly from the digital camera (See paragraph [0003], lines 7-9).

15. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005,613 to Endsley et al in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris as applied to claim 41 above, and further in view of U.S. Patent No. 6,628,325 to Steinberg et al and further in view of U.S. Patent No. 5,737,491 to Allen et al.

a. As per claim 53, Endsley et al teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said probing step includes referencing a knowledgebase that stores expected responses, for identifying the particular host device.

Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches includes referencing a knowledgebase that stores expected responses, for identifying the particular host device (See col. 4, lines 55-59).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate includes referencing a knowledgebase that stores expected responses, for identifying the particular host device as taught by Allen et al in the claimed invention of Endsley et al in order to in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

b. As per claim 54, Endsley et al teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said expected responses comprise factory preset values.

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Allen et al teaches an electronic imaging system capable of image capture, local wireless transmission and voice recognition. Furthermore, Allen et al teaches wherein said expected responses comprise factory preset values (See col. 2, lines 52-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said expected responses comprise factory preset values as taught by Allen et al in the claimed invention of Endsley et al in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

c. As per claim 55, Endsley et al teaches the claimed invention as described above. However, Endsley et al fails to teach wherein said knowledgebase is stored in a registry of the digital camera device.

Allen et al teaches wherein said knowledgebase is stored in a registry of the digital camera device (See col. 4, lines 14-35).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said knowledgebase is stored in a registry of the digital camera device as taught by Allen et al in the claimed invention of Endsley et al in order to in order to provide easy control over fast delivery of digital images in the field that allows a choice of different communication relay services. (See col. 1, lines 58-60)

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16. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,005, 613 to Endsley in view of U.S. Patent No. 6,606, 669 to Nakagiri, further in view of U.S. Patent No. 6,353,848 to Morris and as applied to claim 41 above, and further in view of U.S. Patent No. 6,529,969 to Inoue.

a. As per claim 60, Endsley et al in view of Nakagiri teaches the claimed invention as described above. However, Endsley et al fails to teach wherein the communication session is initially established using Point-to-Point protocol.

Inoue teaches a reception method and apparatus for searching various first and second source devices adapted to send data signals to analog and optical input terminals. Furthermore, Inoue teaches wherein the communication session is initially established using Point-to-Point protocol (See col. 17, lines 19-25)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the communication session is initially established using Point-to-Point protocol as taught by Inoue in the claimed invention of Endsley et al in view of Nakagiri in order to actually communicate data between the digital camera and the host device (See col. 18, 53-54).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.


The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Djenane Bayard

Patent Examiner


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